

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

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|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------|
| Applicant's or agent's file reference PHUS030076WO | IMPORTANT DECLARATION | Date of filing (day/month/year) 03/06/2004 |
| International application No. PCT/IB2004/000759 | International filing date (day/month/year) 04/03/2004 | (Earliest) Priority date (day/month/year) 27/03/2003 |
| International Patent Classification (IPC) or both national classification and IPC G01S15/89, G01S7/52, A61B8/08 | | |
| Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V. | | |

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☒ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:


☐ the description
 ☒ the claims
 ☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.

see further information sheet
5. Further comments:

| | |
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| Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016 | Authorized officer Tanja Touysserkani |
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|  | Direction Principale Recher | Examineur (nom et code) | Date d'achèvement de la recherche | Numéro de dossier | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | COMPTE RENDU DE RECHERCHE | Reuss, T 2220-23738 | 27-05-2004 | SAE514240 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Classement Interne | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Titre GUIDANCE OF INVASIVE MEDICAL DEVICES WITH COMBINED THREE DIMENSIONAL ULTRASONIC IMAGING SYSTEM | | | G01S15/89D9 G01S7/52S8B6 G01S7/52S8B3 A61B8/08H K61B17/34D2 K61B19/00N | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Déposant KONINKLIJKE PHILIPS ELECTRONICS N.V. Dépôt PCT/ IB 2004000759 04-03-2004 Prior.: US 45878203 27-03-2003 Corresp.: Pays: EP, JP, US | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Doss. apparenté(s) | | Doubl.: <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Free-text / Remarks / Comments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | <table border="1"> <thead> <tr> <th>Nr</th> <th>SERR</th> <th>Documentation et personnes consultées</th> </tr> </thead> <tbody> <tr><td>1</td><td>NG</td><td>G01S15/89D9</td></tr> <tr><td>2</td><td>NG</td><td>G01S7/52S8B6</td></tr> <tr><td>3</td><td>NG</td><td>G01S7/52S8B3</td></tr> <tr><td>4</td><td>NG</td><td>A61B8/08H</td></tr> <tr><td>5</td><td>NG</td><td>K61B17/34D2</td></tr> <tr><td>6</td><td>NG</td><td>K61B19/00N</td></tr> <tr><td>7</td><td>NP</td><td>CHEN</td></tr> <tr><td>8</td><td>NP</td><td>NIEMEIJER</td></tr> <tr><td>9</td><td>NP</td><td>O'DONNOBHAIN</td></tr> </tbody> </table> | | Nr | SERR | Documentation et personnes consultées | 1 | NG | G01S15/89D9 | 2 | NG | G01S7/52S8B6 | 3 | NG | G01S7/52S8B3 | 4 | NG | A61B8/08H | 5 | NG | K61B17/34D2 | 6 | NG | K61B19/00N | 7 | NP | CHEN | 8 | NP | NIEMEIJER | 9 | NP | O'DONNOBHAIN |
| Nr | SERR | Documentation et personnes consultées | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | NG | G01S15/89D9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | NG | G01S7/52S8B6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | NG | G01S7/52S8B3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | NG | A61B8/08H | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | NG | K61B17/34D2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | NG | K61B19/00N | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | NP | CHEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | NP | NIEMEIJER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | NP | O'DONNOBHAIN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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The subject matter of all claims 1-12 relates to methods of treatment of the human body by surgery:

All claims are directed to a "method of producing a three dimensional ultrasonic image containing spatial information of the placement or operation of an invasive medical device comprising: (...) acquiring a three dimensional ultrasonic image data set from a volumetric region containing an invasive medical device..." (it is noted that claim 11 claims implicitly the acquisition, since "volume rendered three dimensional ultrasound video data of a volumetric region containing an invasive medical device" is transmitted to the interventional system).

The placement or operation of an invasive medical device is a treatment of the human body by surgery. Therefore, a method of ultrasonic imaging during the placement or operation of an invasive medical device represents subject matter which is covered by the provisions of Rule 39(1)(iv) PCT. Consequently, no international search report will be established (Article 17(2)(a)(i) PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.